

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

**KENNETH JOHANSEN, individually and
on behalf of a class of all persons and
entities similarly situated,**

Plaintiff,

vs.

ICON SOLAR POWER, LLC,

Defendant.

Case No. 2:20-cv-01456

**UNOPPOSED MOTION TO
TRANSFER VENUE WITHIN THE
DISTRICT**

Icon Solar Power, LLC (“Icon”), by and through its undersigned counsel, pursuant to 28 U.S.C. § 1406 and S.D. Ohio Local Rule 82.1(c), hereby moves to transfers this case to the Western Division (Cincinnati) of the Southern District of Ohio, which is the correct venue pursuant to Local Rule 82.1 based on Icon’s residence in Clermont County, Ohio. Plaintiff does not oppose transfer and for that reason, Icon moves only for transfer only and not dismissal pursuant to 28 U.S.C. § 1406(a). This motion to transfer will not delay the proceeding, including initial disclosures, discovery, and communications between counsel for the parties regarding other matters, all of which are proceeding and will continue upon transfer. This motion is supported by the attached memorandum in support.

Respectfully submitted,

/s/ Scott A. Kane

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Attorney for Defendant Icon Solar Power, LLC

MEMORANDUM IN SUPPORT

The motion to transfer is unopposed. It will not delay the matter or prejudice any party. Pursuant to 28 USC § 1406(a), a district court “shall” dismiss or transfer a case filed “in the wrong division or district.” Subsection (c) of Local Rule 82.1 provides that plaintiffs must file “at the location of Court that serves a county in which at least one defendant resides.” *See also Zukowski v. Germain*, No. 2:09-cv-662, 2010 U.S. Dist. LEXIS 69410, *23 (S.D. Ohio June 18, 2010). For this case, that location is the Western Division (Cincinnati) based on Icon’s residence in Clermont County. Accordingly, Icon respectfully requests that the Court transfer venue of the case to the Western Division in Cincinnati.

Respectfully submitted,

/s/ Scott A. Kane

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Attorney for Defendant Icon Solar Power, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2020, a true and correct copy of the foregoing was filed with the Court's ECF system, which transmitted a copy to all counsel of record.

/s/ Scott A. Kane